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HUMAN RIGHTS COMMITTEE

Sixty-fourth session

SUMMARY RECORD OF THE 1700th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 19 October 1998, at 10.30 a.m.

Chairperson: Ms. CHANET

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.98-18799 (E)

The meeting was called to order at 10.50 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the sixty-fourth session of the Human Rights Committee. She welcomed Mr. Wieruszewski (Poland) as a newly elected member of the Committee and invited him to make the solemn declaration contained in article 38 of the Covenant.

2. Mr. WIERUSZEWSKI said that he undertook to perform his functions impartially and conscientiously.

STATEMENT BY THE DEPUTY HIGH COMMISSIONER FOR HUMAN RIGHTS

3. Mr. TER HORST (Deputy High Commissioner for Human Rights), speaking on behalf the High Commissioner for Human Rights, who was currently absent from Geneva, said that the High Commissioner looked forward to participating in one of the Committee's meetings upon her return.

4. China had signed the Covenant two weeks previously, thereby taking an important step towards full integration into the international human rights system. China's accession to the Covenant would add momentum to the process of dialogue and cooperation with the United Nations in the sphere of human rights, and the Chinese authorities would almost certainly ratify the Covenant in the very near future.

5. In the following weeks, the General Assembly would embark on the mid-term assessment of the Vienna Declaration and Programme of Action, in the context of which it would discuss, inter alia, the functions of the Human Rights Committee. The role which treaty bodies in general could play at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, due to be held in 2001, should also be highlighted. The 21 years of experience accumulated by the Human Rights Committee would be most useful in the preparations for the Conference.

6. At the closing meeting of the sixty-third session of the Committee on 31 July 1998, the High Commissioner for Human Rights had expressed her commitment to ensuring that the Committee would be able to discharge its responsibilities under the best possible conditions. The pressing need for more human resources was obvious to everybody, and the issue would be discussed by the Third Committee at the fifty-third session of the General Assembly. In that connection, the High Commissioner endorsed the view put forward at the tenth Meeting of Chairpersons of Human Rights Treaty Bodies in September to the effect that the growing number of ratifications of international instruments should be met by increased resources. Moreover, the High Commissioner was fully aware of the backlog in the processing of State party reports, communications and correspondence, and in that context the Office of the High Commissioner was expanding its Website and database facilities in order to facilitate the work of the treaty bodies. So far as the Committee was concerned, a database with full research capability for the Optional Protocol procedure should be operational in the near future.

7. The High Commissioner commended the Human Rights Committee for reviewing its methods of work and amending its rules of procedure to allow, inter alia, the joint examination of the admissibility and merits of communications. The High Commissioner also endorsed the view put forward at the Meeting of Chairpersons that State party reports should focus on a limited range of issues, thereby reducing the reporting burden and making the system more effective. In addition, the tenth Meeting of Chairpersons had discussed a global plan of action to strengthen the implementation of the principal international human rights treaties. The purpose of the plan was to ensure that the work of the treaty bodies was more closely linked and to enhance the capacity of the Office of the High Commissioner to service the Geneva-based treaty bodies.

8. The High Commissioner would brief the Committee in person regarding other measures which she planned to take in order to help the Committee carry out its mandate, bearing in mind the overall rationalization process of the human rights treaty system and the organization-wide reforms currently under way. The Committee should notice the benefits of improved planning at the current session.

9. The CHAIRPERSON thanked the Deputy High Commissioner and said that the increase in the number of staff servicing the Committee had greatly facilitated the preparatory work for the current session. The Committee had also gained a clearer idea of what the future held in store.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CCPR/C/135)

10. The agenda was adopted.

ORGANIZATION OF WORK AND OTHER MATTERS (agenda item 2)

11. The CHAIRPERSON invited the Committee to adopt the programme of work contained in a conference room paper which had been circulated in English only. The draft list of issues to be taken up in connection with State party reports should be adopted before the consideration of the Vice-Chairperson's report on the tenth Meeting of Chairpersons of Human Rights Treaty Bodies so as not to delay sending the lists to the States parties concerned. The Committee would not have to deal with any new draft decisions on communications at the current session because the pre-sessional working group had been unable to examine any communications owing to the lack of a quorum. The Committee would therefore consider the drafts which had already been referred to it at the sixty-third session. If she heard no objection, she would take it tha. the Committee wished to adopt the programme of work.

12. It was so decided.

13. Mr. EL SHAFEI (Chairman and Rapporteur of the pre-sessional Working Group) said that the Working Group, comprising Mr. Bhagwati, Lord Colville, Mr. Prado Vallejo and himself, had held eight meetings between 12 and 16 October 1998. It had considered and adopted draft lists of issues on the initial report of Armenia, the third periodic reports of Austria, Belgium, Iceland and the Libyan Arab Jamahiriya, and the fourth periodic report of Japan.

14. Representatives of Amnesty International and the International Federation of Leagues of Human Rights had briefed the Working Group on the human rights situation in all six States under review. A total of 11 representatives from Japanese non-governmental organizations had briefed the Working Group on different aspects of the human rights situation in Japan, and 32 representatives of Japanese non-governmental organizations had attended the meetings. Representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Labour Organization (ILO) had also briefed the Working Group on the human rights situation in the reporting States.

15. The Working Group had also considered a paper presented to the tenth Meeting of Chairpersons of Human Rights Treaty Bodies by the Division for the Advancement of Women on integrating the gender perspective into the work of the United Nations human rights treaty bodies. Integration of the gender perspective formed the subject of a report submitted by the Secretary-General to the fifty-third session of the General Assembly. An advance copy had been made available to Committee members as part of their basic reference documentation. The Working Group proposed that the Committee should take note of the document and of the reference made therein to the relevant activities of the Committee, and that the Committee should continue to raise gender issues during the examination of State party reports. Furthermore, the Committee should continue to follow up on the work of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), and to inform CEDAW that it had commissioned one of its own members, Ms. Medina Quiroga, to prepare a new draft general comment on article 3 of the Covenant.

16. The Working Group had not considered any communications under the Optional Protocol. However, since all the Rapporteurs for communications were currently in attendance, it might be appropriate to convene a meeting to adopt certain recommendations. For the time being, the Committee had before it 12 recommendations from the Working Group of the sixty-third session which the Committee had been unable to consider the previous July.

17. The CHAIRPERSON invited the Committee to consider the draft lists of issues drawn up by the Working Group, starting with Iceland (CCPR/C/64/Q/ICE/1(FUTURE), English only). She reminded the Committee that the third periodic report of Iceland dated from 1995 and some of the questions suggested by the Working Group might have lost their relevance owing to developments in the country since that date.

18. Mr. LALLAH said that the draft list was satisfactory, and any topics that were not covered could be dealt with orally by the Committee.

19. The list of issues to be taken up in connection with the third periodic report of Iceland (CCPR/C/64/Q/ICE/1(FUTURE) was adopted without change.

List of issues to be taken up in connection with the third periodic report of Belgium (CCPR/C/64/Q/BEL/1(FUTURE) - English only)

Paragraphs 1 and 2

20. Paragraphs 1 and 2 were adopted.

Paragraph 3

21. Mr. KLEIN proposed the insertion of a new subparagraph (f) requesting information on guarantees of judicial independence, bearing in mind the impaired functioning of the Belgian judicial system in recent years and the repercussions which those problems must have had on the independence of judges.

22. The proposal made by Mr. Klein was adopted.

Paragraphs 4 and 5

23. Paragraphs 4 and 5 were adopted.

Paragraph 6

24. Mr. YALDEN proposed the insertion of a question on discrimination against certain minorities, specifically against aliens living in Belgium. According to information received from various sources, such discrimination did exist, yet the Belgian report (CCPR/C/94/Add.3) made no mention of the fact. It would therefore be useful to seek some clarification. Accordingly, paragraph 6 should refer equally to the application of articles 27 and 26 of the Covenant.

25. Ms. EVATT said that the question contained in subparagraph (a) was too broad in scope and should be narrowed down along the lines suggested by Mr. Yalden.

26. Ms. MEDINA QUIROGA proposed the insertion of a question on the de facto status of women in Belgium. The report mentioned a host of provisions designed to safeguard the rights of women, but nothing about the enforcement of such provisions in practice.

27. Mr. ZAKHIA said that he supported the proposal made by Ms. Medina Quiroga, taking into account the fact that there existed in Western Europe a number of practices comparable to slavery which took advantage of women from Eastern countries. The Committee should perhaps inquire whether Belgium was affected by such practices.

28. The CHAIRPERSON said she took it that the Committee wished to recast paragraph 6 along the lines suggested by Mr. Yalden and Ms. Medina Quiroga, it being understood that the title would refer to articles 3, 26 and 27 of the Covenant.

29. It was so decided.

30. The list of issues to be taken up in connection with the third periodic report of Belgium (CCPR/C/64/Q/BEL/1(FUTURE), as orally amended, was adopted. List of issues to be taken up in connection with the consideration of the fourth periodic report of Japan (CCPR/C/64/Q/JAP/1(FUTURE))

Paragraph 1

31. Paragraph 1 was adopted.

Paragraph 2

32. Ms. MEDINA QUIROGA said that the issue of domestic violence, on which the Committee had received a considerable amount of information, should be raised in paragraph 2, for example in the form of a question on the legal rules and jurisprudence, applicable to domestic violence and particularly to rape.

33. Mr. LALLAH proposed that such a question should be contained in subparagraph (a), the two other subparagraphs to be renumbered accordingly.

34. The CHAIRPERSON suggested that former subparagraph (a) should become subparagraph (c).

35. Mr. KRETZMER said that the wording "Is it correct that" introducing the second question in subparagraph (b) was not in keeping with the style habitually used by the Committee. The question should therefore be amended to read: "Do children of Korean origin have equal access to higher education?".

36. Paragraph 2, as orally amended, was adopted.

Paragraph 3

37. After a discussion of the expression "reasonable discrimination" in subparagraph (a), in which Mr. LALLAH, the CHAIRPERSON, Mr. YALDEN, Mr. BHAGWATI and Lord COLVILLE took part, Mr. BUERGENTHAL proposed the insertion immediately afterwards of the words "mentioned in the report (para. 199)".

38. Mr. KRETZMER proposed that the first question in subparagraph (d) should be amended to read: "In accordance with article 900 (4) of the Civil Code, is the right to inheritance of a child born out of wedlock half that of a child born within marriage?".

39. The CHAIRPERSON said she thought that the title of paragraph 3 was perhaps somewhat abrupt.

40. Mr. KLEIN said that a more appropriate title might be "Prohibition of discrimination".

41. Paragraph 3, as orally amended, was adopted.

Paragraph 4

42. Paragraph 4 was adopted.

Paragraph 5

43. Ms. EVATT said that the issue of "comfort women" was certainly relevant, but there was a more urgent problem, namely, trafficking in women and forced prostitution. The Committee should therefore add a question about the measures which the Japanese Government had taken to prevent trafficking in women and forced prostitution.

44. Lord COLVILLE, supported by Mr. BHAGWATI, said that the issue of "comfort women" was still relevant and should be kept on the list of issues. At the same time, Ms. Evatt's proposal should find a place in the paragraph.

45. Mr. PRADO VALLEJO said that the Japanese Government had recently made a public apology to the Korean women and, through them, to the entire Korean nation, and that showed that the issue was not only relevant, but also very serious.

46. Mr. KLEIN said that, even acknowledging the relevancy of the issue, it could be argued that, by reason of the time that had elapsed, the matter did not come under the jurisdiction of the Covenant. It would therefore be more advisable to begin the paragraph with the question suggested by Ms. Evatt and then mention the "comfort women".

47. Ms. MEDINA QUIROGA said that, in her view, the question on the sexual exploitation of children contained in paragraph 9 (c) should be moved to paragraph 5.

48. The CHAIRPERSON suggested that paragraph 5 should be redrafted and divided into three subparagraphs. Subparagraph (a) would take up the question currently asked in paragraph 9 (c); subparagraph (b) would relate to trafficking in women and forced prostitution; and subparagraph (c) would deal with the "comfort women".

49. Paragraph 5, as orally amended, was adopted.

Paragraph 6

50. The CHAIRPERSON reminded the Committee that it had already singled out the "substitute prison system" for particularly harsh criticism, and the Committee's views on the matter had even been the subject of press reports. It would therefore be advisable to put subparagraph (d) immediately after subparagraph (a), thereby downgrading the importance of subparagraphs (b) and (c).

51. Mr. BHAGWATI said that he shared the Chairperson's view and further proposed the deletion of the first question in subparagraph (b).

52. Paragraph 6, as orally amended, was adopted.

Paragraph 7

53. Paragraph 7 was adopted.

Paragraph 8

54. Mr. KRETZMER proposed that the first question in subparagraph (c) should be amended to read: "Do government employees, including public school teachers, have the right to strike?".

55. Paragraph 8, as orally amended, was adopted.

Paragraph 9

56. Mr. BHAGWATI and Mr. PRADO VALLEJO said that the last two sentences of subparagraph (a) should be recast as questions.

57. Ms. MEDINA QUIROGA said that, in the place of subparagraph (c), which had been moved to paragraph 5, a question could be included on the nature of the legal measures and practices which the Japanese Government had taken to combat child pornography.

58. Paragraph 9, as orally amended, was adopted.

Paragraph 10

59. After a discussion involving Mr. KLEIN, Mr. KRETZMER, Mr. ZAKHIA, Lord COLVILLE and Mr. LALLAH on the need to refer to the concept of non-discrimination in connection with the right of every person to enter his own country, the CHAIRPERSON said that the first section of paragraph 10 (a) would be amended to read: "Guaranteeing that these persons are not discriminated against when re-entering Japan or being granted Japanese citizenship?".

60. Mr. BUERGENTHAL proposed that subparagraph (a) should be amended to read: "Further to questions asked during the examination of the third periodic report concerning the fact that a large population of persons of Korean origin is resident in Japan, what provision is made for:"

61. The CHAIRPERSON suggested that the second section of paragraph 10 (a) should be amended to read: "Granting them the rights guaranteed to ethnic, religious or linguistic minorities under article 27 of the Covenant?".

62. Mr. KLEIN proposed that the title of paragraph 10 should be amended to read: "Non-discrimination and the rights of minorities (arts. 26 and 27)".

63. Paragraph 10, as orally amended, was adopted.

64. The draft list of issues to be taken up in connection with the fourth periodic report of Japan (CCPR/C/64/Q/JAP/1(FUTURE)), as orally amended, was adopted.

List of issues to be taken up in connection with the initial report of Armenia (CCPR/C/64/Q/ARM/1(FUTURE))

Paragraph 1

65. Paragraph 1 was adopted.

Paragraph 2

66. The CHAIRPERSON suggested that the title of paragraph 2 should read "State of emergency".

67. Paragraph 2, as orally amended, was adopted.

Paragraph 3

68. The CHAIRPERSON said that paragraph 3 would be incorporated into paragraph 1 (art. 2 of the Covenant).

Paragraphs 4 and 5

69. After a discussion in which the CHAIRPERSON, Mr. EL SHAFEI, Mr. ZAKHIA and Mr. LALLAH took part, it was proposed that paragraphs 4 and 5 should be deleted on the grounds of excessive vagueness.

70. Paragraphs 4 and 5 were deleted.

Paragraphs 6 and 7

71. Paragraphs 6 and 7 were adopted.

Paragraph 8

72. Ms. MEDINA QUIROGA said that specific information should be requested on violence against women in the family, and not on violence in general.

Paragraphs 9 to 14

73. Paragraphs 9 to 14 were adopted.

74. Ms. EVATT said that she wondered why the Working Group had thought it unnecessary to include any questions on the application of article 26 of the Covenant in the list of issues. The State party should be asked whether it had taken any specific legislative measures to prevent all forms of discrimination, particularly against women and minorities, since the initial report was not very forthcoming on the issue.

75. Mr. KLEIN said that he was surprised that the list of issues contained no questions on the implementation of article 27 of the Covenant. That was another matter on which the report was largely silent, and the Committee could not disregard the repercussions which the Nagorny Karabakh conflict had had for the various ethnic, national and religious minorities living in Armenia.

76. Mr. YALDEN said that he endorsed the comments made by Ms. Evatt and Mr. Klein. A specific question should be included on the right of minorities to receive education in their own language.

77. The CHAIRPERSON said that a new paragraph 15 would be added on specific measures to prevent discrimination, and a new paragraph 16 would be inserted on the situation with regard to the rights of minorities, especially their right to receive education in their own language.

78. New paragraphs 15 and 16 were adopted, subject to the final draft to be prepared by the secretariat.

Paragraph 15

79. Paragraph 15 (new para. 17) was adopted.

80. The draft list of issues to be taken up in connection with the initial report of Armenia (CCPR/C/64/Q/ARM/1(FUTURE)), as orally amended, was adopted.

Draft list of issues to be taken up in connection with the third periodic report of the Libyan Arab Jamahiriya (CCPR/C/64/Q/LIB/1(FUTURE))

81. Mr. KRETZMER said that, in view of the gravity of the issues involved, the alarming questions contained in paragraphs 2, 3, 4 and 5 of the draft list should take precedence over the questions contained in paragraph 1 on the status of the Covenant.

82. The CHAIRPERSON said that the status of the Covenant was by no means a secondary consideration. On the contrary, it was the precondition for a number of the concerns raised by the Committee and it would be as well to clarify that fundamental issue before addressing more specific concerns.

83. Mr. EL SHAFEI said that he endorsed the Chairperson's opinion, explaining that the third periodic report of the Libyan Arab Jamahiriya contained a description of entirely new constitutional and legal rules. That was why the Working Group had thought that the status of the Covenant should be dealt with as a matter of priority before embarking on the consideration of the constitutional and legal provisions in force in the State party.

Paragraph 1

84. Paragraph 1 was adopted.

Paragraphs 2 to 6

85. Mr. KLEIN proposed that paragraphs 2, 3, 4 and 6, all of which dealt broadly with the application of articles 6 and 7 of the Covenant, should be merged. Paragraph 5, which dealt with the application of articles 9 and 10, could be left as it was.

86. Paragraphs 2 to 6 were adopted, subject to the changes proposed by Mr. Klein.

Paragraph 7

87. Paragraph 7 was adopted.

Paragraph 8

88. Ms. EVATT suggested that subparagraph (a) should refer to measures to eliminate discrimination against women in the area of marriage rather than the family, and that some reference should also be made to women's access to education. A new subparagraph (c) should ask what measures the State party had taken to combat domestic violence against women.

89. Mr. YALDEN said that he endorsed the proposals made by Ms. Evatt.

90. Paragraph 8, as orally amended, was adopted.

Paragraphs 9 to 15

91. Paragraphs 9 to 15 were adopted.

Paragraphs 16, 17 and 18

92. Mr. KLEIN said that paragraph 18 should come before paragraphs 16 and 17.

93. Paragraphs 16, 17 and 18 were adopted, subject to the changes proposed by Mr. Klein.

94. The draft list of issues to be taken up in connection with the third periodic report of the Libyan Arab Jamahiriya (CCPR/C/64/O/LIB/1(FUTURE)), as orally amended, were adopted.

Draft list of issues to be taken up in connection with the third periodic report of Austria (CCPR/C/64/Q/AUS/1(FUTURE))

Paragraph 1

95. Paragraph 1 was adopted.

Paragraph 2

96. The CHAIRPERSON said she thought that, following the consideration of the second periodic report of Austria in 1991, the State party had asked the Committee for an advisory opinion on the reservations which it had made when ratifying the Covenant. It was unclear whether or not the Committee had replied to that request. Checks would have to be made and paragraph 2 would have to be amended accordingly.

97. Lord COLVILLE said that the issue of reservations had been touched on when the Committee had formulated its concluding observations on the second periodic report of Austria. In the absence of fuller information, the Committee might wish to ask the State party whether it had given any further consideration to withdrawing its reservations since 1991.

98. Paragraph 2 was adopted, subject to any additional information that might be provided subsequently.

Paragraphs 3 to 6

99. Lord COLVILLE, speaking as a member of the pre-sessional Working Group, said that, in general, all the issues raised in paragraphs 3 to 6 of the draft list had been brought up during the consideration of the second periodic report of Austria. Those questions had not been answered, nor had they been dealt with in the third periodic report currently before the Committee. Moreover, in reply to a concern raised by Mr. Klein about the length of service of conscientious objectors (para. 6 (a)), the State party had made it clear during the consideration of the second periodic report that, under a new draft law, conscientious objectors would only serve two months longer than other conscripts. The Committee should therefore ask whether that draft law had been adopted and if not, why not.

100. Paragraphs 3 to 6 were adopted.

Paragraph 7

101. The CHAIRPERSON said that the title of the paragraph should be "Freedom of expression" rather than "Freedom of the press".

102. Paragraph 7, as orally amended, was adopted.

Paragraph 8

103. Mr. YALDEN proposed that the words "in English" should be deleted at the end of the second sentence in subparagraph (b).

104. Paragraph 8, as orally amended, was adopted.

105. The draft list of issues to be taken up in connection with the third periodic report of Austria (CCPR/C/64/Q/AUS/1(FUTURE)) was adopted.

The meeting rose at 1.05 p.m.

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HUMAN RIGHTS COMMITTEE

Sixty-fourth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1701st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 19 October 1998, at 3 p.m.

Chairperson: Ms. CHANET

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ORGANIZATIONAL AND OTHER MATTERS

* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.1701/Add.1.

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GE.98-18832 (E)

The public part of the meeting was called to order at 3.15 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

1. The CHAIRPERSON said that duties conferred upon her by her Government had prevented her from attending the Tenth Meeting of persons chairing the human rights treaty bodies. Mr. El Shafei, Vice-Chairperson, had represented the Committee on her behalf, and she invited him to report on the Meeting.

2. Mr. EL SHAFEI said that the Tenth Meeting had been held from 14 to 18 September 1998 in Geneva. In keeping with the established rotation, the Chairperson of the Committee against Torture had been elected Chairperson of the Meeting. Also present had been the Chairpersons of the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Vice-Chairperson of the Committee on the Elimination of Discrimination against Women and himself. The Deputy High Commissioner for Human Rights, Mr. Enrique ter Horst, had delivered the opening statement and the High Commissioner, Mrs. Robinson, had held a private meeting with members.

3. The Meeting had been very well attended by intergovernmental and non-governmental organizations, and statements had been made on behalf of the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Fifth Meeting of special rapporteurs, representatives, experts and chairpersons of working groups. It had been decided that the Eleventh Meeting of persons chairing the human rights treaty bodies would be scheduled to coincide with the Sixth Meeting of special rapporteurs, from 31 May to 4 June 1999.

4. On 17 September 1998, an informal consultation had been held with representatives of 55 States parties to discuss how to improve the work of human rights treaty bodies and to promote the implementation of their concluding observations. The issues discussed included the problem of human resources, which had not been increased to meet the greater workload borne by treaty bodies; the serious backlog of communications in those Committees having communications procedures; two recent denunciations of the Optional Protocol to the International Covenant on Civil and Political Rights; the backlog of State party reports received and not yet examined; the problem of overdue reports; and the problem of giving effect to the recommendations of expert committees.

5. Government representatives had agreed with the six committee chairpersons that the treaty bodies' work constituted core functions of the United Nations, in particular of the Office of the High Commissioner for Human Rights, and that those activities must be adequately serviced from the United Nations regular budget. Until such resources were made available from the regular budget, an effort should be made to increase human resources through independent fund raising, plans of action and the programme of junior professional officers. It had been decided that the meeting with government representatives was a very useful exercise that should be made part of the agenda of every Meeting of Chairpersons and that better preparations should be made to enable Governments to come and make concrete proposals.

6. The chairpersons had discussed the text of the draft plan of action for the Geneva-based treaty bodies, had agreed on the principle and had resolved to refine the text and to submit it to their respective committees. The chairpersons had convened a private meeting with the internal Task Force of the Office of the High Commissioner for Human Rights established with a mandate to facilitate a parallel review of United Nations mechanisms by the Commission on Human Rights and to provide the High Commissioner's Office with input on measures to improve their effectiveness. The chairpersons had also had the opportunity to meet with Professor Anne Bayefsky of York University in Canada, who would conduct an academic study and review of the human rights treaty system for the Office of the High Commissioner for Human Rights.

7. Paragraph 8 of the report on the Meeting (A/53/432) described measures to be taken by the Department of Public Information to ensure better coverage of meetings of treaty bodies.

8. Mr. KLEIN, noting that a heavier workload seemed to be a common denominator for all of the Committees, asked whether any ways of remedying the problem had been examined. One approach adopted by the European Court of Human Rights and other bodies was to form chambers or panels that operated simultaneously, instead of working in plenary. Perhaps the time had come for the human rights treaty bodies to adopt similar methods. Had that matter also been discussed and, if so, what had been the general reaction of the participants?

9. Mr. EL SHAFEI said the idea had indeed been discussed. However, because the Committees had different working procedures, no consensus had been reached in favour of establishing various panels or chambers, as opposed to meeting in plenary.

10. The CHAIRPERSON said it was not the first time the idea had been considered, but the Committees themselves had never reached agreement on such a procedure, which would in any case be ill-suited to the smaller Committees which had only 10 members. The material before the Committees differed and some of it did not lend itself to consideration in chambers. Not all the Committees received and considered communications, for example, as did the Human Rights Committee. The general feeling was that the way the work was organized was a matter for the Committees themselves to decide.

11. Mr. BUERGENTHAL, referring to a comment made at the previous meeting by the Deputy High Commissioner for Human Rights and to paragraphs 48 and 49 of the report of the Tenth Meeting (A/53/432), asked for clarification on the global plan of action to strengthen the implementation of a number of human rights treaties.

12. Mr. EL SHAFEI said that the global plan of action would extend to all the human rights bodies the measures that were included in the plans of action already set up for the Convention on the Rights of the Child and for the International Covenant on Economic, Social and Cultural Rights. Under those plans, voluntary contributions were to be mobilized when regular budget allocations were not enough to meet financial requirements for the preparation of meetings, secretariat services, etc.

13. The CHAIRPERSON pointed out that the plans of action already in place for two of the Committees covered very specific actions. The plan for the Committee on Economic, Social and Cultural Rights, for example, had involved country visits. It was vital for the Human Rights Committee to be informed of what actions were envisaged for it under the global plan of action, and it was therefore essential for the Committee to have access to that text.

14. Mr. LALLAH said he agreed that the Human Rights Committee should have the right to participate in the preparation of the plan of action that would affect its work. The report of the Tenth Meeting (A/53/432) should not be submitted to the General Assembly in its present form, for it might give the impression that, by leaving it to the Secretariat to prepare a plan of action for it, the Committee was abdicating its responsibilities.

15. Mr. EL SHAFEI explained that the global plan of action had not yet been finalized: it was an informal paper prepared by the Secretariat that was to be amended before submission to the Committees concerned.

16. Mr. GAHAM (Office of the United Nations High Commissioner for Human Rights) confirmed that the only plans of action currently operational were those for the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights. They had been brought up at the Tenth Meeting in the interests of informing the chairpersons of other Committees of their contents. The underlying idea was to develop a global plan of action covering all the functions of all the Committees and aimed at ensuring the availability of resources in order to improve their functioning. Such a global plan might mention the need for each Committee to have a secretary in order to assure its effective functioning and the provision of the necessary resources, for example.

17. The CHAIRPERSON said paragraph 49 of the report should be amended to make it clear that the discussion at the Tenth Meeting had centred on a global plan of action, not a draft proposal for a plan of action to strengthen the implementation of the Covenant on Civil and Political Rights, as the paragraph now implied.

18. Ms. MEDINA QUIROGA said she agreed and drew attention to the last sentence of the paragraph, which set out a request to the High Commissioner for Human Rights to ensure that the finalization and subsequent launching of a plan of action were given absolute priority. The wording implied that the Committee had been presented with a fait accompli and that the plan of action had been drafted without any input on its part.

19. Presumably, the purpose of any plan of action for better implementation of human rights instruments would be to generate contributions from private organizations in order to supplement United Nations funding. From the remarks just made by the representative of the Office of the United Nations High Commissioner for Human Rights, however, it now seemed that the plan of action focused on the provision of secretariat staff and resources for each Committee.

20. Ms. EVATT recalled that paragraph 24 of the report of the Ninth Meeting of persons chairing the human rights treaty bodies (A/53/125) had envisaged

the preparation of a plan of action that would be used to secure additional resources for the Office of the High Commissioner to enable it to provide servicing for treaty bodies. In her view, any measures designed to increase the resources available for the work of the Human Rights Committee were welcome. On the other hand, the primary source of funding for such work had to be the regular budget of the United Nations. Paragraph 24 of the report of the Ninth Meeting referred to consultations to be held by the High Commissioner, but did not make it clear that they should be carried out with the chairpersons of treaty bodies. All was not lost, however. The Committee still had time to make its opinions known about the contents of the global plan of action, especially if it devoted some time to discussing the matter at the present session.

21. Mr. EL SHAFEI said that, clearly, any plan of action would have to incorporate the input of the body concerned. It was up to the Committee to exchange views on what was needed to assist it in its work. A plan of action could then be submitted through the Chairperson to the High Commissioner, and discussed at the Eleventh Meeting of persons chairing the human rights treaty bodies.

22. The CHAIRPERSON said the plans of action were to be financed by States, not by voluntary contributions. The fact nonetheless remained that the Committee should have a look at the draft proposal for a plan of action mentioned in paragraph 49 of the report of the Tenth Meeting, and she asked the Secretariat to circulate that document.

23. Mr. YALDEN said he agreed with Ms. Evatt and the Chairperson on the need for the Committee to consider and comment on the draft proposal. He had no problem with the idea that the Office of the High Commissioner should draft a global plan of action covering all the treaty bodies, as long as the Human Rights Committee was consulted. On the other hand, any plan of action dealing exclusively with the work of the Human Rights Committee should be drafted by the Committee itself, with the assistance of its Secretariat staff.

24. Mr. de ZAYAS (Secretary of the Committee) said that no input had been received as yet from Mr. Burns and Mr. Alston, who had volunteered to make proposals amending the Secretariat's draft proposal for a plan of action, and in the absence of such input the Secretariat had thought it premature to circulate the draft. The consensus at the Meeting of Chairpersons had been that a plan of action would indeed be useful but that the Secretariat draft needed considerable revision. The chairpersons would make the revised draft available to the members of their respective Committees.

25. Mr. BUERGENTHAL suggested that the Chairperson or the Bureau should contact Mr. Burns, the Chairperson of the Tenth Meeting, informing him of the wish of the members of the Human Rights Committee to participate in the preparation of a general plan of action.

26. The CHAIRPERSON drew attention to paragraph 52 of the report of the Tenth Meeting (A/53/432), relating to the question of reservations to the human rights treaties.

27. Mr. EL SHAFEI, referring to section VIII, on gender perspectives in the work of the treaty bodies, said that during the presentation of the report mentioned in paragraph 53 reference had been made to the recommendations and suggestions formulated by the pre-sessional group and reflected in the Committee's report on its sixty-first session.

28. Lord COLVILLE said that the pre-sessional working group had looked at the advance unedited version of the report of the Secretary-General on the gender perspective issue (HRI/MC/1998/6), which advocated mainstreaming the issue rather than leaving it exclusively in the hands of CEDAW. Paragraphs 40 and 52 of the report related to questions of cooperation with CEDAW, while paragraph 61 dealt specifically with the Committee's work on the issue and paragraph 70 suggested some further points the Committee might consider in that connection. As he understood it, the report gave the Committee a certain amount of credit for the steps it had already taken and encouraged it to continue cooperating with CEDAW and to proceed with the drafting of a general comment on article 3. He did not believe that anything in the report required special attention on the part of the Committee.

29. The CHAIRPERSON said she agreed, but the tone of the report's recommendations to the Committee was regrettable.

30. Mr. LALLAH, referring to section III (A/53/432), on the composition of the treaty bodies, said he strongly felt that his own region was under-represented. Political changes which had taken place in the past few years meant that the distinction between countries of Eastern Europe and Western Europe could no longer be maintained. Given the failure to date on the part of the States parties themselves to take an initiative in the matter, would it not be possible for the Committee to suggest some way in which the procedure for the election of Committee members might be changed? At the very least, the Committee should give some thought to the matter. Its whole credibility was at stake. The argument was being advanced - wrongly, in his view - that the values applied in the Committee were predominantly western. The Committee surely owed it to its own work over the past 20 years to refute that impression.

31. Mr. ZAKHIA said he endorsed those views.

32. Mr. BHAGWATI said he too associated himself entirely with Mr. Lallah's remarks. As to the question of a plan of action and, in particular, paragraphs 49 and 68 of the report, he deprecated the impression created that the Committee as such was supporting the draft plan. The Chairperson should certainly address a communication to the Chairperson of the Tenth Meeting indicating the Committee's wish to participate in the preparation of the draft plan.

33. Mr. SCHEININ, referring to paragraph 53, on gender perspectives, said that the background paper prepared by the Division for the Advancement of Women might be of use in formulating the Committee's general comment on article 3. His own impression, however, was that the paper contained some serious omissions and that the reaction to it on the part of the Meeting of Chairpersons had perhaps been a little too positive. As for the question of

venue of meetings (para. 32), the Committee's own experience of holding sessions in New York had not been so happy as to warrant the enthusiasm expressed in the report.

34. Mr. YALDEN said he agreed. There was no foundation for the suggestion that a majority of the human rights treaty bodies was in favour of holding meetings in New York.

35. The CHAIRPERSON said it was quite normal for the bodies based in New York to want to come to Geneva and vice versa. The issue did not really concern the Committee, since one of its three annual meetings was held in New York in any case. She agreed with Mr. Scheinin's point concerning paragraph 53. As for the matter of the global plan of action, she would write to Mr. Burns pointing out that paragraph 49 did not correspond to the facts and should be corrected. Neither the Human Rights Committee nor CERD was at present involved in the preparation of the draft plan of action.

36. Mr. KLEIN remarked that the Committee could, of course, take note of the report of the Tenth Meeting and could comment on it favourably or otherwise, but it was hardly in a position to correct the report, since it had not participated in the Meeting.

37. The CHAIRPERSON said that the Committee had been represented at the Meeting by Mr. El Shafei.

38. Mr. EL SHAFEI said the only discussion on the question of global action that had taken place at the Meeting had related to the overall cost of such action ($1.1 million in 1998 and $1.3 million in 1999), which had been considered insignificant. He agreed that the language employed in the report, which was a Secretariat document, might be inappropriate and saw no reason why the necessary corrections should not be made.

The public part of the meeting rose at 4.15 p.m.